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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,848	12/08/2000	William J. Byrne	M-9904 US	2028

7590 10/22/2003
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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

9

DATE MAILED: 10/22/2003

9-1-512-338-9100

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,848

Applicant(s)

BYRNE ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: "Attorney Docket number M-9960 US" in the CROSS-REFERENCE TO RELATED APPLICATION section on page 1 should be changed to "Application number 09/732,812".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Surace et al. US 6,144,938 in view of Ball et al. US 6,240,391.

Surace discloses a voice user interface personality in figures 1 and 2 (column 3, lines 38-67; column 4, lines 1-53; column 5, lines 25-38). Surace teaches creating a pool of audio prompts (Figure 15, column 20, lines 1-20), dividing audio prompts into three segments [mail_top_navlist, mail_sum_all_voicemail_none and gu_mail_reply_recipient] (Figure 15), and generating code to randomly select an audio prompt from one of the segments (column 20, lines 1-20; column 5, lines 40-44; column 11, lines 16-25; column 15, lines 5-9, 19-22).

Surace teaches providing various functionalities including information and messaging services through a telephone (column 16, lines 1-6), but fails to teach sending the generated code to a voice extensible markup language interpreter.

However, Ball discloses a method and apparatus for assembling and presenting voicemail messages in figure 1. Ball teaches that a voicemail recipient may access messaging system 104 by a telephone through either a PSTN or Internet (column 4, lines 41-65). Ball further teaches that the recipient to interface with the messaging system with a voice interactive response [IVR] unit via Internet and a voice extensible markup language interpreter (column 5, lines 53-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Surace's reference with the teaching of Ball, so that the code for randomly selecting an audio prompt would have been sent to a voice extensible markup language interpreter, because such modification would have enabled the Surace' system to interact with subscribers from anyplace through Internet.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keshav US 5,864,605 in view of Ball et al. US 6,240,391.

Keshav discloses a voice menu optimization method and system in figure 1. Keshav teaches creating a pool of audio prompts, such as "for fire insurance" [audio prompt #1], "select button 1" [audio prompt #2], "for life insurance" [audio prompt #3], "select button 2" [audio prompt #4] and so on (column 4, lines 59-67; column 5, lines 1-2, 62-65), subdividing the audio prompts into shuffled segments, such as "to compare

premium [audio prompt X] select button 1 [audio prompt #2]", "to hear about new features [audio prompt Y] select button 2 [audio prompt #4]" and so on, and generating code to select a shuffled segment (column 5, lines 21-26; column 6, lines 34-45).

Keshav teaches that interfacing with telephones 50A-50D, but fails to teach sending the generated code to a voice extensible markup language interpreter.

However, Ball discloses a method and apparatus for assembling and presenting voicemail messages in figure 1. Ball teaches that a voicemail recipient may access messaging system 104 by a telephone through either a PSTN or Internet (column 4, lines 41-65). Ball further teaches that the recipient to interface with the messaging system with a voice interactive response [IVR] unit via Internet and a voice extensible markup language interpreter (column 5, lines 53-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Keshav's reference with the teaching of Ball, so that the code for selecting a shuffled audio prompt segment would have been sent to a voice extensible markup language interpreter, because such modification would have enabled the Keshav's system to interact with subscribers from anyplace through Internet.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

10/17/2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

